

ORDINANCE NO. 1334

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI
REPEALING CHAPTER 1, GENERAL PROVISIONS
OF THE LODI MUNICIPAL CODE, AND ENACTING A NEW
GENERAL PROVISIONS CODE

Be It Ordained By The Lodi City Council as follows:

SECTION 1. Chapter 1, General Provisions, 'of the Lodi Municipal Code is hereby repealed and a new General Provisions ordinance (ordaining clause) is hereby enacted as follows:

Section 1. Definitions. The following words and phrases, whenever used in the ordinances of the City of Lodi, California, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

A, "City" means the City of Lodi, California, or the area within the territorial limits of the City of Lodi, California, and such territory outside of the City over which the City has jurisdiction or control by virtue of any constitutional or statutory provision.

B. "Council" means the City Council of the City of Lodi. "All its members" or "all council members" means the total number of council members holding office.

C. "County" means the County of San Joaquin.

D. "Law" denotes applicable federal law, the Constitution and statutes of the State of California, the ordinances of the City of Lodi, and, when appropriate, any and all rules and regulations which may be promulgated thereunder.

E. "May" is permissive.

F. "Month" means a calendar month.

G. "Must" and "shall" are each mandatory.

H. "Oath" includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

I. "Owner", applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land.

J. "Person" includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.

K. "Personal property" includes money, goods, chattels, things in action and evidences of debt.

L. "Preceding" and "following" mean next before and next after, respectively.

M. "Property" includes real and personal property.

N. "Real property" includes lands, tenements and hereditaments.

O. "Sidewalk" means that portion of a street between the curbline and the adjacent property line intended for the use of pedestrians.

P. "State" means the State of California.

Q. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this City which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this State.

R. "Tenant" and "occupant", applied to a building or land, include any person who occupies the whole or a part of such building or land, whether alone or with others.

S. "Written" includes printed, typewritten, mimeographed, multigraphed, or otherwise reproduced in permanent visible form.

T. "Year" means a calendar year.

Section 2. Title of office. Use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the City.

Section 3. Interpretation of language. All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

Section 4. Grammatical interpretation. The following grammatical rules shall apply in the ordinances of the City of Lodi, unless it is apparent from the context that a different construction is intended:

A. Gender. Each gender includes the masculine, feminine and neuter genders.

B. Singular and Plural. The singular number includes the plural and the plural includes the singular.

C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.

Section 5. Acts by agents. When an act is required by an ordinance, the same being such that it may be done as well by an agent **as** by the principal, such requirement shall be construed to include all such acts performed by an authorized agent.

Section 6. Prohibited acts include causing and permitting. Whenever in the ordinances of the City of Lodi, any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission.

Section 7. Computation of time. Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the

last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded.

Section 8. Construction. The provisions of the ordinances of the City of Lodi, and all proceedings under them are to be construed with a view to effect their objects and to promote justice.

Section 9. General penalty.

A. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the ordinances of the City of Lodi, shall be guilty of a misdemeanor, unless the violation is made an infraction by ordinance.

B. Except in cases where a different punishment is prescribed by any ordinance of the City of Lodi, any person convicted of a misdemeanor for violation of an ordinance of the city is punishable by a fine of not more than one thousand dollars, or by imprisonment not to exceed six months, or by both such fine and imprisonment.

C. Any person convicted of an infraction for violation of an ordinance of the City of Lodi is punishable by (1) a fine not exceeding one hundred dollars for a first violation; (2) a fine not exceeding two hundred dollars for a second violation of the same ordinance within one year; (3) a fine not exceeding five hundred dollars for each additional violation of the same ordinance within one year.

D. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of the City of Lodi, is committed, continued or permitted by any such person, and he shall be punishable accordingly.

Section 10. Notice to appear--preparation by arresting officer in duplicate.

If any person is arrested for the violation of any provision of this Code or any ordinance of the city, and such person is not immediately taken before a magistrate as prescribed in the State Penal Code, the arresting officer shall prepare in duplicate a written notice to appear in court, containing the name and address of such person, the offense charged and the time and place where and when such person shall appear in court.

Section 11. Same-Failure to appear a misdemeanor.

Any person violating his written promise to appear in court is guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally arrested.

Section 12. Same-Same-Execution of warrant for arrest.

When a person signs a written promise to appear at the time and place specified in the written promise to appear and has not posted bail as provided in Section 853-6 of the State Penal Code, the magistrate shall issue and have delivered for execution a warrant for his arrest within twenty days after his failure to appear as promised, or if such person promises to appear before an officer authorized to accept bail other than a magistrate and fails to do so on or before the date which he promised to appear, then, within twenty days after the delivery of such written promise to appear by the officer to a magistrate having jurisdiction over the offense.

Section 13. References to certain officers, etc., apply to San Joaquin Local Health District.

Wherever in this Code or any other city ordinance, resolution, order or law, the terms "housing department", "board of health", "health officer" or similar names are used designating the enforcing authority of any such ordinance, resolution, order or law relating to public health and sanitation in the city, the designations "housing department", "board of health", "health officer" or similar titles shall apply also

to and include San Joaquin Local Health District and its duly appointed officers and employees.

None of the provisions of this section shall be construed as limiting, subtracting from or releasing the police department of this city or any other department or officer of this city from the performance of his duties in the enforcement of the laws, orders and ordinances mentioned herein, the provisions hereof being permissive.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation, printed and published in the City of Lodi, and shall be in force and take effect thirty days from and after its passage and approval.

Approved this 15th day of August, 1984

MAYOR

Attest:

ALICE M. REIMCHE
City Clerk

State of California
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1334 was introduced at a regular meeting of the City Council of the City of Lodi held August 1, 1984 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held August 15, 1984 by the following vote:

Ayes: Council Members - Reid, Hinchman, Olson,
Pinkerton, & Snider Mayor)

Noes: Council Members - None

Absent: Council Members - None

Abstain: Council Members - None

I further certify that Ordinance No. 1334 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

ALICE M. REIMCHE
City Clerk

Approved as to form

RONALD M. STEIN
City Attorney